

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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10/31/2022 2:55 pm

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SAIDAH NAEEMAH: HAZIZ-RAMADHAN,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER
22-CV-6435(GRB)(JMW)

AKMAL MEERSYED, *et al.*,

Defendants.

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GARY R. BROWN, United States District Judge:

Before the Court is an application to proceed *in forma pauperis* filed by Saidah Naeemah: Haziz-Ramadhan (“Plaintiff”), acting *pro se*. See Docket Entry (“DE”) 2. For the reasons that follow, Plaintiff’s application to proceed *in forma pauperis* is denied without prejudice and with leave to renew upon filing the enclosed “Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239) (“Long Form”). Alternatively, Plaintiff may pay the \$402.00 filing fee.

To qualify for *in forma pauperis* status, the Supreme Court has long held that “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. Du Pont De Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal quotation marks omitted). “The purpose of the statute permitting litigants to proceed [*in forma pauperis*] is to insure that indigent persons have equal access to the judicial system.” *Davis v. NYC Dept. of Educ.*, 10-CV-3812, 2010 WL 3419671, at *1 (E.D.N.Y. August 27, 2010) (citing *Gregory v. NYC Health & Hospitals Corp.*, 07-CV-1531, 2007 WL 1199010, at *1 (E.D.N.Y. Apr. 17, 2007)). The determination of whether an applicant qualifies for [*in forma pauperis*] status is within the discretion of the district court. *Davis*, 2010 WL 3419671 at *1 (citing *DiGianni v. Pearson Educ.*,

10-CV-0206, 2010 WL 1741373, at *1 (E.D.N.Y. Apr. 30, 2010)). The court may dismiss a case brought by a plaintiff requesting to proceed *in forma pauperis* if the “allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A).

Plaintiff’s application does not include sufficient information for the Court to determine her qualification for *in forma pauperis* status and raises more questions than it answers. *See* DE 2, *generally*. Although Plaintiff reports that she was employed through July 26, 2022, she has not included her income for the past twelve month as is required by the form. *See id.*, ¶¶ 2-3. Plaintiff reports that she has not received any income from any other source during the past twelve months and has \$200 in cash or in account. *Id.* ¶¶ 3-4. Plaintiff reports a car as the only item owned of value yet reports no other expenses associated with the car other than \$150 per month for car insurance. *Id.* ¶¶ 5-6. Curiously, there are no reported regular monthly expenses for items such as food, clothing, housing, utilities, gas, etc. *Id.* ¶ 6. Further, although Plaintiff reports having four financial dependents, she has omitted the amount she contributes toward their support. *Id.* ¶ 7. And, in the space that calls for any debts or financial obligations, including the amounts owed and to whom they are payable, Plaintiff wrote “0 resolving all debts.” *Id.* ¶ 8.

Thus, the Court finds that Plaintiff’s responses raise more questions than they answer. Accordingly, Plaintiff’s application to proceed *in forma pauperis* is denied without prejudice and with leave to renew upon filing the enclosed Long Form. Alternatively, Plaintiff may pay the \$402.00 filing fee.¹ Plaintiff shall either file the Long Form or remit the filing fee within two (2) weeks of the date of this Order or this action will be dismissed without prejudice.

¹ Plaintiff is cautioned that, once paid, there are no refunds of the filing fee regardless of the outcome of the case. Plaintiff may avail herself of the free resources provided by the *Pro Se* Legal Assistance Program (“PSLAP”) run by Hofstra Law School in deciding how to proceed. Plaintiff may reach PSLAP by telephone at (631)297-2575 or by

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 31, 2022
 Central Islip, New York

/s/ Gary R. Brown
Hon. Gary R. Brown
United States District Judge